



TOWNSHIP of HOPEWELL

MERCER COUNTY

Department of Community Development

**201 WASHINGTON CROSSING – PENNINGTON ROAD
TITUSVILLE, NEW JERSEY 08560-1410**

MEETING MINUTES

ZONING BOARD OF ADJUSTMENT

WEDNESDAY, APRIL 4, 2018

The April meeting of the Hopewell Township Zoning Board of Adjustment (ZBOA) was held in the Municipal Building on the above date.

The Agenda Meeting of the ZBOA was held at 7:00 p.m.

REGULAR MEETING

The Regular Meeting of the ZBOA was called to order by Chair Moser at 7:30 p.m. in accordance with the Open Public Meetings Act, noting that proper notice of said meeting was forwarded to the Hopewell Valley News, The Times, The Trentonian, and the Hopewell Express and posted on the Municipal Bulletin Board. This meeting was audio recorded.

ROLL CALL

PRESENT: Cane, Hatke, Lockwood, Purandare, van Raalte, Chair Moser

ABSENT: Nicozisis, Rogers

ALSO PRESENT: Attorney Kevin Van Hise, Zoning Officer Mark Kataryniak, Township Planner Frank Banisch

MINUTES FOR APPROVAL:

None at this time.

Chair Moser announced that the following application would be further continued to the May 2, 2018 regular meeting.

CASE 2017-16 – AB MULCH - 1569 Reed Road, Hopewell, New Jersey; Township Tax Map Block 91, Lot 18. Applicant is seeking a use variance along with a bulk variance for front yard setback to construct a wood mulch production facility on the property situated in the Special Industrial (SI) Zoning District.

CASE 2018-03 – Ruth Mellk – 211 Blackwell Road, Hopewell, New Jersey; Township Tax Map Block 44, Lot 20. Applicant is seeking a Use Variance with Bulk Variance for setback and lot coverage to construct a second principal dwelling on a property with an existing residential dwelling situated in the Valley Resource Conservation (VRC) Residential Zoning District.

Attorney Van Hise stated that notice was in order and the Board could take jurisdiction of the application. Mr. Robert Ridolfi, attorney for the Applicant, gave an overview of the application. Witnesses; Mrs. Mellk, Mr. Mellk, Planner Mark Cannuli, and Frank Falcone PLS were sworn in. Mrs. Mellk gave a history of the property and an in depth description of the proposed plans. During the discussion Mrs. Mellk stated the additional home would be used for family members only and therefore would agree to a deed restriction, stating such. Mrs. Mellk also made mention that the exterior building materials would match that of the existing home. The public had no questions or comments for this witness. Mr. Falcone gave his qualifications which were accepted by the board. Mr. Falcone discussed **Exhibit A1** titled “Colored Rendering of Site Plan” and **Exhibit A2** titled “Enlarged Colored Site Plan”. Mr. Falcone stated, in order to reduce impervious coverage they are willing to remove a portion of the existing driveway, as well as the removal of the existing “pool house”. Mr. Falcone also discussed the following:

- Storm water control area
- Waste water pre- treatment device

Discussion with the board members and professionals included:

- Septic system/number of bedrooms
- Waste Water Pre-Treatment System
- Township Health Department Memo, Dated April 4, 2018
- Neighboring Mercer County Property
- Proposed square footage
- Township Engineer Memo, Dated March 5, 2018
- Lot coverage concerns

- Storm Water Mitigation Basin
- Stream Corridor
- Wetlands
- Environmental Commission Approval
- Fence relocation
- Force main relocation
- Location/Position of proposed structure
- Size/Square Footage of proposed structure

Mr. Ridolfi stated that he felt it would be beneficial for the board to discuss some of the aforementioned matters with the project's architect whom could not attend this meeting. Mr. Ridolfi therefore requested that the case be continued to the following meeting.

The case will be carried to the May 2, 2018 hearing at the applicant's request. No further notice will be required.

CASE 2018-04 – Hopewell Special, LLC – 85 Stony Brook Road, Hopewell, New Jersey; Township Tax Map Block 5, Lot 34. Applicant is seeking a bulk variance for a side yard setback to construct an expanded deck on an existing residential dwelling situated in the Mountain Resource Conservation (MRC) Zoning District.

Attorney Van Hise stated that notice was in order and the Board could take jurisdiction of the application. Mr. Ryan Kennedy, attorney for the applicant gave a brief history and description of the property. Witness; Joanne Gusweiler, the applicant and project manager of Hopewell Special LLC, was sworn in. Mrs. Gusweiler, gave a history and description of the property as well as the proposed plans. Discussion with the board included:

- Dimensions of the proposed deck.
- Setback

There were no questions from the public.

ROLL CALL VOTE:

AYES: Cane, Hatke, Lockwood, Purandare, van Raalte, Chair Moser

NOES: None

ABSENT: Nicozisis, Rogers

CASE 2018-01 – Disch & Sons Distillers, LLC – 130 Hopewell-Rocky Hill Road, Hopewell, New Jersey; Township Tax Map Block 14, Lot 15.01. Applicant is seeking an amended Use Variance with Bulk Variance, and Amended Preliminary/Final Site Plan approval to relocate the retail sales component of the distillery operations to within the distillery building and to modify

the existing distillery building on an existing commercial facility situated in the Valley Resource Conservation (VRC) Zoning District.

Attorney Van Hise stated that notice was in order and the Board could take jurisdiction of the application. Eric Goldberg, attorney for the applicant gave a description of the application, the prior approvals before the board and a description of the proposed plans. Witnesses; Applicant Ray Disch, Architect Peter Morgan, and Planner Mark Cannuli, were sworn in. Ray Disch, applicant and founder of Sourland Mountain Spirits, gave a history of the business, along with an explanation of the application. Discussion with the board included:

- Current operation
- Proposed operation
- Size of tours
- Restroom Facilities
- Increase in traffic
- Amount of employees

Mr. Goldberg entered the prior resolutions, 2011-05, 2011-05SP, 2011-05A into evidence as **Exhibit A1**.

Peter Morgan of Morgan Atelier Architecture, gave his qualifications which were accepted by the board. Mr. Morgan discussed the following exhibits:

Exhibit A2 Titled: "Site Plan and Code Analysis"

Exhibit A3 Titled: "Photographs"

Exhibit A4 Titled: "Ground and Second Floor Plan"

Exhibit A5 Titled: "Elevations" (East and West)

Exhibit A6 Titled: "Elevations" (North and South)

Discussion with the board members and professionals included:

- Setbacks
- Impervious coverage
- Parking
- Flow of traffic
- Signage
- Lighting
- Floor plan
- Elevations
- Township Engineer Report, Dated March 23, 2018
- ADA Compliance parking

There were no questions from the public

Further Discussion with the board members and professionals included:

- Bonded/Un-Bonded Area's
- Final site plan
- Storm water management
- Bathroom Facilities
- Prior approvals
- Seating in tasting room

Mark Cannuli, Professional Planner for the applicant, gave his qualifications which were accepted by the board. Mr. Cannuli addressed **Exhibit A7** Titled: "2015 Aerial Photo and Tax Parcel Base Map". Mr. Cannuli gave clarification on testimony that was heard tonight in regards to this application. Mr. Cannuli then gave testimony in respect to why the proposed plans for the use and bulk variance would not be a substantial detriment to the public good or substantially impair the intent and purpose of the zoning plan and Land Use Ordinance.

There were no questions from the public.

Mr. Mark Kataryniak, Township Zoning Officer, addressed the coverage issue and reminded the board that there was a condition of approval linked to the applicants 2011 use variance, requiring the adjacent farm to the north be deed restricted from development while this property exists. Mr. Eric Goldberg, Attorney for the Applicant, polled the board to see if there were any other concerns or questions. Mr. van Raalte mentioned that he is bothered by the lot coverage percentages, but when looking at the "large scheme of things" he is ultimately ok with it. Mr. Frank Banisch, reminded the applicants that they have the right to a seven member board. Mr. Eric Goldberg took a minute to speak with the Applicants and concluded that they would like to proceed with a vote. Mr. Hatke motioned to approve the application conditioned upon, the ADA compliance parking be relocated closer to the building. Mr. Cane seconded the motion.

ROLL CALL VOTE:

AYES: Cane, Hatke, Lockwood, Purandare, van Raalte, Chair Moser

NOES: None

ABSENT: Nicozisis, Rogers

CASE 2018-06 – Michael Fahmy – 14 Cheyenne Drive, Hopewell, New Jersey; Township Tax Map Block 75, Lot 4.11. Applicant is seeking a bulk variance for lot coverage to construct an in-ground swimming pool and patio as an accessory use to an existing residential dwelling situated in the Valley Resource Conservation (VRC) Zoning District.

Attorney Van Hise stated that notice was in order and the Board could take jurisdiction of the application. Witness; Applicant, Mr. Michael Fahmy was sworn in. Mr. Fahmy gave history of the application and description of the property. Discussions with the board members and professionals included:

- Storm Mitigation system
- Position of inlet pipes.
- Inspection port must be visible.
- NJDEP MS4 requirements.

Throughout the discussion the applicant agreed to comply with the following;

Conditions:

1. Modification of location of inlet pipes.
2. Addition of an inspection port visible at grade level.
3. Submission of annual maintenance reports to the township, to comply with the NJDEP MS4 requirements.
4. File deed restriction with county clerk's office, requiring regular maintenance and annual reporting of storm water management system.

There were no questions from the public.

MOTION by Cane, seconded by Hatke, to approve the application, subject to satisfaction of the conditions discussed.

ROLL CALL VOTE:

AYES: Cane, Hatke, Lockwood, Purandare, van Raalte, Chair Moser

NOES: None

ABSENT: Nicozisis, Rogers

RESOLUTIONS/MEMORIALIZATIONS:

CASE 2017-24 – LINLUKS LLC – 55 NJSH Route 31S, Hopewell, New Jersey; Township Tax Map Block 66, Lot 4.

Attorney Van Hise stated, after the meeting the applicant requested to add locker rooms and showers, with no change to the site plans. The addition was administratively approved and is included in the resolution.

MOTION BY Moser, seconded by van Raalte to approve the resolution

MOTION UNANIMOUSLY CARRIED

CASE 2018-02 – Ronald S. Garzio – 311 Washington Crossing Pennington Road, Hopewell, New Jersey; Township Tax Map Block 92.02, Lot 11.

MOTION BY Moser, seconded by Cane to approve the resolution

MOTION UNANIMOUSLY CARRIED

ADJOURNMENT

At 10:09 p.m. **MOTION** by Moser, seconded by van Raalte, to adjourn the meeting.

MOTION UNANIMOUSLY CARRIED

Respectfully submitted,

Jaimie Williamson

Jaimie Williamson

Acting Secretary